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OFFICE OF PETITIONS

Stern, Kessler Goldstein & Fox PLLC
Attorneys at Law
Suite 600
1100 New York Avenue NW
Washington, DC 20005-3934

In re Application of
Wang et al.
Application No. 09/501,179
Filed: February 10, 2000 (CPA 11/1/2001)
Attorney Docket No.
2314.00600002/JUK/SMW

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:
: DECISION GRANTING LETTER
: REGARDING PTA
:
:

This decision is in response to applicants' "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 CFR 1.705(d)" requesting that the determination at the time of the issuance of the patent be corrected from 93 days to a determination of 274 days.

Applicants' request is **GRANTED**. The Office will adjust the PAIR calculation to reflect a determination of zero (0) days at the time of the mailing of the notice of allowance. In addition, the Office will *sua sponte* issue a certificate of correction reflecting this decision.

Applicants allege that the correct amount of PTA at the time of the issuance is two hundred and seventy-four (274) days. Applicants assert that the Office failed to meet the requirement of 37 CFR 1.702(b) by a period of 365 days. Applicants also assert that the appropriate amount of Applicants delay at the time of the issuance of the patent is 91 days. Applicants delay is for failure to reply to the Office within three-months under 37 CFR 1.704(b).¹ Applicants dispute the 120 reduction for the miscellaneous letter that was filed by applicant on October 18, 2004. Applicants assert that the "miscellaneous incoming letter" was the request for PTA consideration.

Applicants arguments are persuasive. The office notes that the 120 day reduction is in error. The submission of the request for PTA reconsideration is not considered a failure to engage in reasonable efforts to conclude prosecution. See 1.704(e). Accordingly, the 120 reduction is in error. Moreover, applicants are correct in the amount of Office delay as well as applicant delay. The Office delayed by 365 days in the issuance of the patent under 37 CFR 1.702(b). Moreover, the applicants failed to engage in reasonable efforts to conclude prosecution of the application by a period of 91 days under 37 CFR 1.704(b). Overall, the correct amount PTA is 274 (365-91=274).

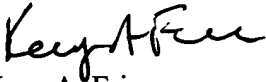
After the mailing of this decision, the application will be forwarded to the Office of Patent

¹This determination was decided in the petition decision that was mailed by the Office on September 19, 2005.

Publications for a prompt issuance of a certificate of correction.

The Office assessed the \$200.00 fee. No additional fees are required in determining this request for reconsideration of pTA.

Any questions concerning this decision should be directed to Kery A. Fries, at 571-272-7757.



Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner for
Patent Examination Policy

cc:Adjusted PAIR calculation
Draft Cert. Of Correction

Draft

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 6,960,449 B2
DATED : Nov. 1, 2005
INVENTOR(S) : Wang et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (93) days

Delete the phrase "by 93 days" and insert – by 274 days--

Day : Friday
Date: 7/21/2006 **PALM INTRANET**

Time: 11:53:22

PTA Calculations for Application: 09/501179

Application Filing Date:	02/10/2000	PTO Delay (PTO):	365
Issue Date of Patent:	11/01/2005	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	120
Post-Issue Petitions:	0	Total PTA (days):	274
PTO Delay Adjustment:	29		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
71	07/21/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	181		
67.5	10/12/2005	PTA 36 MONTHS	97		
67	11/01/2005	PATENT ISSUE DATE USED IN PTA CALCULATION	207		62
66	10/04/2005	RECEIPT INTO PUBS			
65	10/04/2005	RECEIPT INTO PUBS			
64	10/04/2005	DISPATCH TO FDC			
63	10/04/2005	APPLICATION IS CONSIDERED READY FOR ISSUE			
62	12/08/2004	ISSUE FEE PAYMENT VERIFIED			
61	10/03/2005	TC RETURN TO PUBS			
60	09/22/2005	RECEIPT INTO PUBS			
59	09/19/2005	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE			
59	09/19/2005	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE			
58	09/16/2005	ADJUSTMENT OF PTA CALCULATION BY PTO		91	
58	09/16/2005	ADJUSTMENT OF PTA CALCULATION BY PTO			
57	09/16/2005	ADJUSTMENT OF PTA CALCULATION BY PTO		61	
57	09/16/2005	ADJUSTMENT OF PTA CALCULATION BY PTO			
56	09/12/2005	PUBS CASE REMAND TO TC			
55	10/18/2004	PETITION ENTERED			
54	10/18/2004	MISCELLANEOUS INCOMING LETTER		0	
53	10/18/2004	MISCELLANEOUS INCOMING LETTER		120	
52	09/24/2004	EXPORT TO INITIAL DATA CAPTURE			
51	01/12/2005	RECEIPT INTO PUBS			

50	12/08/2004	ISSUE FEE PAYMENT RECEIVED			
49	10/18/2004	RECEIPT INTO PUBS			
48	09/30/2004	WORKFLOW - FILE SENT TO CONTRACTOR			
47	09/20/2004	MAIL NOTICE OF ALLOWANCE			
46	09/17/2004	ISSUE REVISION COMPLETED			
45	09/17/2004	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
44	09/17/2004	NOTICE OF ALLOWABILITY			
43	07/15/2004	DATE FORWARDED TO EXAMINER			
42	07/06/2004	FEE PAYMENT RECORDED (FEES FILED SEPARATELY E.G. NOT WITH ORIGINAL PAPERS, ETC).			
40	07/03/2004	DATE FORWARDED TO EXAMINER			
39	06/02/2004	RESPONSE AFTER NON-FINAL ACTION			
38	06/02/2004	WORKFLOW INCOMING AMENDMENT IFW			
37	03/02/2004	MAIL NON-FINAL REJECTION			
36	02/27/2004	NON-FINAL REJECTION			
35	02/27/2004	DATE FORWARDED TO EXAMINER			
34	12/04/2002	RESPONSE AFTER NON-FINAL ACTION			
33	12/04/2002	REQUEST FOR EXTENSION OF TIME - GRANTED			
32	06/12/2003	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
31	06/04/2003	MAIL NON-FINAL REJECTION	61		34
30	02/27/2004	NON-FINAL REJECTION			
29	06/04/2002	MAIL NOTICE OF WITHDRAWN ACTION			
28	02/27/2004	LETTER WITHDRAWING / VACATING OFFICE ACTION			
22	01/31/2002	MAIL FINAL REJECTION (PTOL - 326)			
21	01/14/2002	FINAL REJECTION			
20	11/01/2001	NEW OR ADDITIONAL DRAWING FILED			
19	11/01/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	11/20/2001	DATE FORWARDED TO EXAMINER			
17	11/01/2001	CONTINUING PROSECUTION APPLICATION - CONTINUATION (ACPA)			
16	11/01/2001	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
15	11/01/2001	REQUEST FOR EXTENSION OF TIME - GRANTED			

14	11/01/2001	WORKFLOW - REQUEST FOR CPA - BEGIN			
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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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